

HEALTH AND SAFETYChapters:

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Chapter 8.04FIREWORKSSections:

- 8.04.010 Possession or discharge unlawful—Exceptions.**
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8.04.010 Possession or discharge unlawful—Exceptions.

It shall be unlawful for any person(s) to sell, possess or discharge fireworks of any kind within the city limits, except as follows:

- A. Duly recognized charitable, fraternal or veterans' organizations may conduct a controlled and supervised fireworks display after receiving written permission from the city council;
 - B. As may be expressly authorized by the city council.
- (Ord. 12-7-82 §1, 1982)

8.04.020 Violation—Penalty. Person or persons, companies, firms, partnerships, corporations or any entity violating the provisions of this chapter shall, upon conviction thereof, be fined not to exceed the sum of three hundred dollars with a formal complaint. (Ord. 12-7-82 §2, 1982)

Chapter 8.12HAZARDOUS MATERIALSSections:

- 8.12.010 Adoption of regulations by reference.**
- 8.12.020 Copies on file.**
- 8.12.030 Violation—Penalty.**

8.12.010 Adoption of regulations by reference. The city adopts by reference all federal regulations pertaining to the transportation of hazardous materials as set out in Title 49 CFR, Parts 100-199, including all subsequent modifications, deletions, and additions. (Ord. 1-19-84 (part), 1984: prior code §33.05.010)

8.12.020 Copies on file. The Code of Federal Regulations including all modifications, deletions, and additions is available to the public on the Internet at the following address: <http://www.access.gpo.gov/nara/cfr>. The office of the city clerk will assist interested parties as necessary to reference these regulations. (Ord. 405-00 §2, 2000: Ord. 1-19-84 (part), 1984: prior code §33.05.020)

8.12.030 Violation—Penalty. Violators of the regulations adopted above shall be subject to a five hundred dollar fine or imprisonment of thirty days or both. (Ord. 1-19-84 (part), 1984: prior code §33.05.021)

Chapter 8.16NUISANCESSections:

- 8.16.010 Designated.**
- 8.16.020 Abatement procedures—Generally.**
- 8.16.030 Abatement procedures—Notice authority.**
- 8.16.040 Abatement procedures—Service of notice.**
- 8.16.050 Abatement procedures—Removal of property.**
- 8.16.060 Misdemeanor penalties designated.**

8.16.010 Designated The following situations are defined as constituting a nuisance for the purposes of this chapter:

A. Privately owned vehicles, trailers, watercraft or aircraft parked or otherwise placed in a particular location on public property for a substantially continuous period in excess of seven days, unless a permit is obtained to park or place such property at the particular location for a longer period. Such permit may be issued by the city manager or his designee and will state the conditions on the permit. The city manager will from time to time designate a particular location for permit parking in excess of seven days.

“A particular location on public property for a substantially continuous period” means within substantially the same block, lot, or general area and includes situations where the offending item or items are moved for short periods of time and thereafter parked or placed at the same location or nearby;

B. Any other property placed upon public property without supervision for any period of time without a permit or other lawful excuse;

C. Property abandoned on public or private land which is unsightly to the public or hazardous to any person or to property, and where the land has not been designated as a site for abandoned property by the city;

D. Any property placed upon private land without the permission of the owner;

E. Vehicles, trailers, watercraft, aircraft or other movable property placed upon private land for a period in excess of seven days within twenty feet of a public roadway or any kind other than in a storage area, driveway or parking area as approved by the city council under the planning and zoning procedures; or vehicles, trailers, watercraft, aircraft or other moveable property located at any place on public or private land, either constituting a hazard or threat to persons or property, or which are unsightly to the public and not properly located in a storage area, driveway or parking area, appropriate to the vehicle, trailer, watercraft, aircraft or other moveable property, and where such storage area, driveway or parking area has been approved by the city council under planning and zoning procedures.

This definition applies notwithstanding the fact that the property at issue constituting the nuisance belongs to the owner of the land. However, in such case, the owner of the land may apply for a permit for such storage prior to such use from the city. Such a permit may be denied only upon finding by the planning and zoning commission that the proposed storage would be unsightly to the public or would constitute a hazard or threat to persons or property;

F. Any property located on public or private land constituting an immediate hazard or threat to persons or property;

G.

1. In a public place repeatedly or continuously shouts, blows a horn, plays a musical or recording or amplifying instrument, or otherwise generates loud noises tending to disturb, or acting with reckless disregard for the peace and privacy of others, or, in a private place, engages in the same conduct with reckless disregard, between the hours of eleven p.m. of one day and six a.m. of the following day such that the sound therefrom annoys or disturbs a reasonable person of normal sensitivities residing in a residential area.

2. For the purpose of this chapter, the provisions contained herein shall not apply to the emission of sound from municipal, state or federal vehicles, equipment or warning devices engaged in necessary operations (including but not limited to snow removal, road maintenance, repair or maintenance of public service utilities, and disaster or alert warnings) for the convenience, safety or health of the general public. (Ord. 70-88 §1, 1987; Ord. 56, 1986; prior code §12.10.010)

8.16.020 Abatement procedures—Generally. The procedures set out in Sections 8.16.030 through 8.16.050 may be employed to abate a nuisance or dispose, remove or cause to be removed any property constituting a nuisance in addition to any criminal or other penalties which may be lawfully imposed. (Ord. 70-88 §2, 1987: prior code §12.10.020(part))

8.16.030 Abatement procedures—Notice authority. It shall be the duty of the director of public safety upon receiving notice of any violation of the provisions of this chapter, immediately to notify the offender to abate a nuisance and remove any property which may be constituting a nuisance within such time as he may deem proper, not to exceed twenty-four hours. If the nuisance has not been removed or

abated within the time specified in the notice, the director of public safety shall cause the same to be removed or abated, and the expenses of such action to be borne by the owner shall be recovered by action of law if necessary. (Ord. 70-88 §3, 1987: prior code §12.10.020(A))

8.16.040 Abatement procedures—Service of notice.

Notices shall be deemed effective if the notice is:

- A. Served personally on the person to be notified; or
- B. Sent by certified mail to the last known address of the person to be notified; or
- C. Posted upon the property constituting a nuisance; or
- D. Served by any other proper means provided for under state or federal law. (Prior code §12.10.020(B))

8.16.050 Abatement procedures—Removal of property.

A. If, after actual constructive notice, property constituting a nuisance has not been removed from the nuisance site to a lawful location, a peace officer or a city employee or other agent of the city may remove the property to another location. Any property constituting an immediate threat to persons or property may be removed without notice by a peace officer, city employee or other agent of the city. Notices of the removal of property, when property has been removed without notice, shall be served upon the owner of the property removed and upon the landowner as soon as reasonably possible.

B. All costs for any removal, storage and impoundment, whether with or without prior notification, shall be borne by the owner of the property moved or any private owner of the land from which the property is removed. Both the owner from which the property moved and any private owner of the land shall be fully, jointly and severally liable for all costs of removal, storage and impoundment.

C. If any seized property is not claimed by its owner within thirty days with all costs of removal, storage and impoundment paid, the property may be disposed of or discarded in any lawful manner as provided under state law. (Prior code §12.10.020(C))

8.16.060 Misdemeanor penalties designated.

A. The owner of movable property constituting a nuisance as defined in Section 8.16.010 of this chapter is guilty of a misdemeanor and subject to the penalties set forth in Section 8.16.070. This provision includes an owner of the land if the landowner is also the owner of the movable property constituting the nuisance.

B. If the owner of the land upon which property owned by another and constituting a nuisance as defined in Section 8.16.010 of this chapter is located and fails to remove, or cause to be removed, said property from the land within seven days after receiving actual or constructive notice then he or she is guilty of a misdemeanor and subject to the penalties set forth in Section 8.16.070.

C. Any person who creates or who is instrumental in creating a nuisance as defined in Section 8.16.010 of this chapter is guilty of a misdemeanor and subject to the penalties set forth in Section 8.16.070. (Prior code §12.10.070)

8.16.070 Violation—Penalty. In addition to the remedies provided by this chapter against any such building or other structure, any person, firm, association or corporation who willfully violates any provision of this chapter, or who willfully fails or refuses to comply with final order of the director of public safety, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not to exceed five hundred dollars. (Ord. 70-88 §4, 1987: prior code §12.10.040)

REFUSE AND GARBAGE

Sections:

8.20.010 Definitions.

8.20.020 Collection procedures.

8.20.030 Disposal service required.

8.20.040 Dumping prohibited.

8.20.050 Litter—Prohibited.

8.20.060 Litter—Abatement.

8.20.070 Sanitation service—Fees.

8.20.072 Sanitation service—Bulk items disposal user fee.

8.20.073 Sanitation service—Waste oil prohibited — Hazardous waste surcharge for cleanup.

8.20.075 Sanitation Container Lids

8.20.080 Sanitation service rates.

8.20.090 Authorization.

8.20.100 Permission for hauling or depositing solid waste required.

8.20.110 Violation—Penalty.

8.20.010 Definitions. In this chapter unless the context otherwise requires:

A. "Litter" means garbage, refuse, and rubbish as hereafter defined and all other waste material which, if thrown or deposited or allowed to collect as herein prohibited, tends to create a danger to public health, safety or welfare, or is detrimental to the general appearance of the city.

B. "Garbage" means putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

C. "Refuse" means all putrescible and nonputrescible solid wastes, except body wastes, including garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles and solid market and industrial wastes.

D. "Rubbish" means nonputrescible solid wastes consisting of both combustible and noncombustible wastes, such as paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery and similar materials. (Ord. 130-88 §2, 1988)

8.20.020 Collection procedures.

A. All litter, garbage, refuse, and rubbish shall be deposited in the dumpster provided to the customer.

B. Trash hauler(s) will insure that dumpsters are accessible when placed outside structures. When dumpsters are placed inside structures, it will be the responsibility of the customer to place the dumpsters outside in an accessible area for regular and on-call pickups.

C. Sanitation customers who place large quantities of nonorganic wastes in dumpsters such that the wastes are a nuisance to the sanitation department, and if the waste requires extra handling or maintenance of city equipment, those customers will be subject to a surcharge of the estimated expenses of handling such waste products.

D. If trash buildup outside dumpsters becomes a public nuisance, it will be handled in a manner as prescribed by this chapter. (Ord. 130-88 §3, 1988)

8.20.030 Disposal of service required. No electric meter shall be installed or maintained in any residence, apartment, store or other place unless the residence, apartment store or other place has a satisfactory garbage disposal service. (Ord. 130-88 §4, 1988)

8.20.040 Dumping prohibited.

A. No person shall and it shall be unlawful to dump or dispose of solid waste of any kind in or upon any former landfill.

B. A person convicted of dumping or disposing of solid waste in or upon any former landfill will be fined in an amount comparable to the fine which the state would levy on the city should the dumping be reported.

C. In addition to the fine provided in subsection B of this section, the person shall be assessed all expenses associated with cleanup and disposal of prohibited deposits. (Ord. 235-92 §1, 1992; Ord. 130-88 §5, 1988)

8.20.050 Litter prohibited. No person shall, and it shall be unlawful for any person to do any of the following:

A. Cause or allow litter to be collected, deposited or to remain in any place under his control to the prejudice of others; or to remain in any place under his control to the prejudice of others;

B. Throw or deposit litter in or upon any street, sidewalk or other public place within the city except in public receptacles, in authorized private receptacles for collection, or in disposal areas designated by the city;

C. Sweep into or deposit in any gutter, street or other public place within the city the accumulation of litter from any residence, building, or lot, or from any public or private sidewalk or driveway;

D. Allow litter to accumulate on any sidewalk in front of private property, whether the property is owned or occupied by the person or not;

E. Drive or move any vehicle within the city unless the vehicle is so constructed or loaded to prevent any load, contents or litter from being deposited upon any street, alley or public place;

F. Distribute any handbills without either securing it to the building or vehicle to which it is being distributed or handing it directly to a person willing to accept it;

G. Throw or deposit litter on any private property, whether owned or occupied by the person or not. (Ord. 130-88 §6, 1988)

8.20.060 Litter—Abatement.

A. The city council, or any employee or agent designated by the city, is authorized and empowered to notify the owner of any property to properly dispose of litter located on the owner's property which is or may become offensive, noxious or dangerous to the public health, safety or welfare. The notice shall be by certified mail, addressed to the owner at his last known address.

B. Upon the failure, neglect or refusal of any owner so notified to properly dispose of litter within ten days after receipt of the written notice or within ten days after the date of the notice in the event the same is returned to the city because of inability to make delivery, the city council or the employee or agent designated by the city is authorized and empowered to order disposal of the litter by the city or to pay for its disposal.

C. When the city has effected the removal of the litter or has paid for its removal, the actual cost thereof, plus accrued interest at the rate of six percent per annum from the date of the completion of the work shall be charged to the owner of the property and shall constitute a lien against the property. (Ord. 130-88 §7, 1988)

8.20.070 Sanitation service—Fees. For the collection, removal and disposal of garbage, rubbish and solid waste material generated within the city and deposited in the city dumpsters the following rates shall apply:

4 yd dumpster - \$57.60 per tip
6 yd dumpster - \$86.40 per tip
8 yd dumpster - \$115.20 per tip

For solid waste material delivered to the city refuse center, the fee of eighteen cents per pound, three hundred sixty dollars per ton, will apply. (Ord. 304-94 §2, 1994; Ord. 260-92 §2, 1992; Ord. 235-92 §2, 1992; Ord. 130-88 §8, 1988)

8.20.072 Sanitation service—Bulk items disposal user fee. For the disposal of bulk items too large or too heavy to be placed in a dumpster, customers shall deliver such items to the waste disposal center at times to be arranged, and pay, by weight, for the disposal of bulk items. If, in the opinion of the director of public works or a representative thereof, the disposal of such bulk items may be an unreasonable burden upon the city, the delivery of the bulk item may be refused. (Ord. 235-92 §3, 1992)

8.20.073 Sanitation service—Waste oil prohibited—Hazardous waste surcharge for cleanup.

A. No user shall place or allow to be placed any waste oil in any dumpster.

B. In the event waste oil is discovered in a dumpster, the user shall be subject to a surcharge of one hundred fifty dollars, or the expense of handling and disposing of the contaminated contents and cleaning the dumpster, whichever is greater. (Ord. 235-92 §2, 1992)

8.20.075 Sanitation Container Lids. All cans, dumpsters or other receptacles used for the collection and removal of garbage and refuse shall have metal lids capable of preventing bears, birds and other wild animals from accessing the contents of the container. It shall be the duty of the entity controlling the service agreement for the container to insure that the lid is adequately secured between the hours of 10:00 P.M. and 6:00 A.M., and otherwise during daylight hours as deemed appropriate, or at other times as directed by the Director of Public Facilities (Ord. 430-01 §2, 2001)

8.20.080 Sanitation service rates.

A. The rate for garbage pickup shall be set by ordinance and adopted by the city council in the normal transaction of city business.

B. An interest rate of one and one-half percent per month or the maximum rate allowable by Alaska Statutes, shall accrue on all accounts from the date of delinquency. (Ord. 260-92 §3, 1992; Ord. 190-91 §1, 1991; Ord. 130-88 §9, 1988)

8.20.090 Authorization. The city is the only authorized entity that may collect litter, garbage, refuse and rubbish within the city, and no other person or entity within the city may operate a garbage and solid waste disposal enterprise or dispose of their own garbage and solid waste without the express written consent granted by the city council or the city manager as authorized by the city council. The city council or city manager, if so authorized, may approve of waste disposal by a person or entity where the waste is of a type or in a volume which cannot be handled by the city. Unless so excepted, all persons in the city, and property owners or occupants of premises in the city, shall use the solid waste collection disposal system provided by the city. (Ord. 130-88 §10, 1988)

8.20.100 Permission for hauling or depositing solid waste required. No person shall deposit any solid waste in or upon the city incinerator/transit station or the surrounding grounds of these facilities without the permission of the director of public works, or a representative thereof, and making payment of the appropriate user fee. (Ord. 235-92 §6, 1992; Ord. 130-88 §11, 1988)

8.20.110 Violation—Penalty. A person convicted of any violation of Sections 8.20.050, 8.20.090 or 8.20.100, for the first offense shall be fined a minimum of fifty dollars, for the second offense shall be fined a minimum of one hundred dollars, and for the third and each succeeding offense shall be fined a minimum of two hundred dollars; however, the maximum fine for any offense shall not exceed three hundred dollars. (Ord. 235-92 §7, 1992; Ord. 130-88 §12, 1988)

Chapter 8.24

TRAILERS AND TRAILER CAMPS

Sections:

8.24.010 Definitions.

8.24.020 Findings.

8.24.030 Trailers outside of camps.

8.24.040 Occupant registration.

8.24.050 Waste disposal.

8.24.010 Definitions. In this chapter unless the context otherwise requires:

A. "Automobile trailer" means any vehicle used for sleeping or living quarters and propelled either by its own power or by other power-driven vehicles to which it may be attached.

B. "Automobile trailer camp" means any lot or parcel of ground arranged for the parking of at least four automobile trailers, and sometimes referred to herein as "trailer camp." (Prior code §18.10.010)

8.24.020 Findings. The council of the city finds that the parking of camp cars, trailers, trailer homes, trailer coaches and vehicles used for such purposes at places at which there is no suitable provision for the disposal of human excreta, garbage and waste, constitutes a menace to the health of the residents of the city, and further finds that the improper placing of such would create a fire hazard to the city, and it is declared to be necessary for the immediate preservation of the peace, health and safety of the residents of the city that this chapter be adopted. (Prior code §18.10.020)

8.24.030 Trailers outside of camps. No automobile trailers used for sleeping or living purposes shall be parked for any period of time exceeding twenty-four hours except in a trailer camp and no cooking shall be done in any automobile trailer outside of a trailer camp. (Prior code §18.10.030)

8.24.040 Occupant registration. Automobile trailer camp operators shall keep a register of the occupants of each automobile trailer. (Prior code §18.10.040)

8.24.050 Waste disposal. It shall be unlawful for any person occupying or using any automobile trailer as a place of human habitation to drain therefrom or permit to be drained therefrom onto the ground any waste, sewage or other liquids or to deposit upon the ground any garbage, trash, drainage, or filth therefrom. (Prior code §18.10.050)

Chapter 8.28

POLLUTION CONTROL

Sections:

[8.28.010 Purpose.](#)

[8.28.020 Commission—Appointment.](#)

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8.28.010 Purpose. This chapter is established to prohibit the pollution of waters within the city, and to establish fines for violations of this chapter and further establish a commission to develop plans for garbage and human waste collection and disposal, and it shall be unlawful for any person or business to pollute or add to the pollution of waters within the city. (Ord. 13-70 §1.1, 1971)

8.28.020 Commission—Appointment. The president of the city council shall appoint a three-member commission to be headed by the council president to study the garbage and human waste problems of the city. The purpose of the commission will be to develop and continually update a plan for the collection and disposal of garbage and human waste in order to prevent the dumping of such garbage and waste in unauthorized areas and in the waters of the city. The commission will correspond with the Division of Environmental Health, Department of Health and Welfare, state of Alaska, the Public Health Service, U.S. Department of Health, Education and Welfare and other related agencies for assistance in developing a practical solution to the garbage and human waste disposal problems of the city. (Ord. 13-70 §1.8, 1971)

8.28.030 Commission—Duties. The commission shall report the results of its studies to the city council at least once every six

months, and shall, within two years of the enactment of this chapter, present to the city council, a plan for the collection and disposal of garbage and human waste within the city. The commission shall be responsible for whatever coordination is necessary with those state and federal agencies involved during the planning and implementation of the plan proposed by the commission. (Ord. 13-70 §1.9, 1971)

8.28.040 Commission—Documentation responsibility.

The commission or anyone designated by the commission shall be responsible for the documentation of any act of pollution described in Section 8.28.070 of this chapter, and for the forwarding of that documentation to the Regional Office of the Division of Environmental Health. (Ord. 13-70 §1.10, 1971)

8.28.050 Commission—Term.

Members of the commission shall serve for a term of two years. (Ord. 13-70 §1.11, 1971)

8.28.060 Substances unlawful to deposit—Designated.

It shall be unlawful for a person, business, firm or agency, to deposit in, cause to be deposited in, permit to pass into, or place where it can pass into the waters of the city, petroleum, acid, coal or oil tar, lampblack, aniline, asphalt, bitumen, or a residuary product of petroleum. Pollution caused by an act of God or by circumstances beyond the control of the person in charge shall be considered a defense to a charged violation by the person or individuals so charged. (Ord. 13-70 §1.2, 1971)

8.28.070 Slick reporting requirement.

Any act which creates a slick on the waters of the state or the city, which covers in excess of five hundred square feet, or of any size which causes the injury to or death of any fish, fowl, or animal life, shall be reported to the Regional Office of the Division of Environmental Health, Department of Health and Welfare, state of Alaska. (Ord. 13-70 §1.5, 1971)

8.28.080 Slick reporting—Documentation.

Any act described in Section 8.28.070 of this chapter shall be documented in the following manner and sent to the Regional office of the Division of Environmental Health:

A. Statements shall be taken of witnesses to include how, where, when and by whom the act of polluting took place.

B. Photographs of the slick or result of pollution shall be taken in such a manner as to show the slick or result of pollution in relation to a boat, wharf, or other object whose dimensions can be defined.

C. Samples of the pollutant shall be taken and identified as to the date, time and place the samples were taken.

D. Samples of the killed or injured fish, fowl, or animal life shall be frozen, properly packaged and maintained at the city in order that they may be examined, if desired, by personnel of the Division of Environmental Health. (Ord. 13-70 §1.6, 1971)

8.28.090 Exemption from trial if state declines to prosecute.

No act falling under the provisions of Section 8.28.070 of this chapter shall be tried under Section 8.28.110 of this chapter unless the state determines that it does not intend to prosecute the offender under applicable state law. (Ord. 13-70 §1.7, 1971)

8.28.100 Enforcement—Cleanup.

At the discretion of the city magistrate, a person who violates Section 8.28.060 of this chapter shall also, upon conviction, be required to clean the pollutants which were the result of his action from the water and shores located within the city. (Ord. 13-70 §1.4, 1971)

8.28.110 Violation—Penalty.

A person who violates Section 8.28.060 of this chapter shall be deemed guilty of a misdemeanor and upon conviction, shall be punishable by a fine of not more than one hundred dollars, or imprisonment for not more than ten days, or both fine and imprisonment at the discretion of the city magistrate. (Ord. 13-70 §1.3, 1971)